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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------------|
| 10/774,178 | 02/06/2004 | Minerva M. Yeung | 42P16115 | 7185 |
| 45209 | 7590 | 07/29/2010 | | |
| INTEL/BSTZ BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040 | | | EXAMINER ARCOS, CAROLINE H | |
| | | | ART UNIT 2195 | PAPER NUMBER |
| | | | MAIL DATE 07/20/2010 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/774,178

Applicant(s)

YEUNG ET AL.

Examiner

CAROLINE ARCOS

Art Unit

2195

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See below. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 7, 10-15, 19, and 39- 40, 44, and 46-49
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Chat C. Do/
Primary Examiner, Art Unit 2195

Continuation of 13. Other: the claims 39-40 as proposed, now recites new limitations that changes the scope of the claims and would require further search and consideration.

Applicant's arguments filed 06/28/2010 have been fully considered but they are not persuasive.

Applicant argues the following

- (i) 112 issue " monitoring the state of the multi-threaded application and monitoring the buffer.
- (ii) Zaccarin fails to disclose adjusting processor frequency or voltage based on availability of the buffer and the coordination of the dispatch of the threads of a multi-threaded application.
- (iii) Cota-Robles fails to teach determining availability of the processor to perform simultaneous multi-threading.
- (iv) obviousness of coordinating dispatch of multi-threaded application to increase execution overlap of activities executing in the system.

The examiner respectfully disagrees with the applicant in the following:

- (i) the applicant relies on paragraph [0026] which is an exemplary embodiment, Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.
- (ii) Zaccarin teaches that modules of the application process data at a fixed rate or varying rate, the rate of the data processing (dispatching) of the application control the frequency of the processor based on the buffer data level (par. [0014]-par. [0017]) which is adjusting processor frequency or voltage based on availability of the buffer and the coordination of the dispatch of the threads of a multi-threaded application as claimed.
- (iii) Cota-Robles teaches scheduling threads based on their priorities, depending on SMT processor resources become available (par. [0022]) which is determining availability of the processor to perform simultaneous multi-threading, as claimed
- (iv) It is well known to one of ordinary skill in the art that the combination of the teaching of Zaccarin and Cota-Robles teaches SMT techniques which is well known is efficient to increase execution overlap of the activities executing since multi-threads are simultaneously executing in the system on fewer clock cycles (par. [0022], par. [0027]).